

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BREVET HOLDINGS, LLC et al,

Plaintiffs,

-against-

ENASCOR, LLC et ano,

Defendants.  
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ORDER

WILLIAM H. PAULEY III, Senior United States District Judge:

On January 20, 2021, defendants Enascor, LLC (d/b/a Enascor Capital Management) and Paul Iacovacci (“Enascor”) purportedly removed this action from the New York State Supreme Court (New York County). On January 28, 2021, plaintiffs Brevet Holdings, LCC; Brevet Short Duration Partners, LCC; Brevet Short Duration Holdings, LLC; and Brevet Capital Management, LLC (“Brevet”) emailed a letter to this Court and defense counsel announcing Brevet’s intention to move to remand this case to New York state court and offering a summary of its legal arguments. That letter was docketed on February 3, 2021 (ECF 12) and has spawned several letter applications now before this Court.

The first letter, from Brevet, also dated February 3, 2021, seeks permission to e-file under seal certain exhibits (ECF 13). Later that day, Enascor filed a letter application seeking to extend defendants’ time to respond to the underlying complaint, pending resolution of Brevet’s anticipated motion to remand (ECF 16).

By letter dated February 4, 2021, Enascor opposed Brevet’s application to file certain documents under seal (ECF 18). Separately, on the same day, Brevet opposed Enascor’s application to respond to the complaint (ECF 17).

Both requests are overshadowed by Enascor's removal of this action from New York state court and Brevet's motion for remand filed February 5, 2021 (ECF 21). Brevet and Enascor also spar over whether certain relief granted by the New York state court is effective. The underlying sealing issue can only be addressed, if at all, by this Court after the motion to remand has been resolved.

Accordingly, to preserve the status quo, this Court grants Brevet's application that ECF 13-1, 13-2, 13-3, 13-4, and the redacted portions of 13-5 be filed under seal. This Court also grants Enascor's application to extend its time to answer the complaint until further order of this Court.

Brevet filed its motion to remand this action to New York Supreme Court on February 5, 2021. This Court fixes the following schedule:

1. Opposition papers to be filed on February 12, 2021 by 5:00 p.m.
2. Reply papers to be filed on February 17, 2021 by 12:00 noon.
3. The Parties shall appear for a telephonic oral argument on February 19, 2021 at 3:00 p.m. The dial-in number for the argument is (888) 363-4749. The access code is 3070580.

Dated: February 8, 2021  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.